

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

CHRISTIAN TAYLOR,  
Plaintiff,

v.

Civil No. 3:22cv814 (DJN)

DR. SINAN KAMAL,  
Defendant.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate proceeding *pro se*, has submitted a letter asking for an extension of time to file a motion pursuant to Federal Rule of Civil Procedure 59(e) in an action filed in the United States District Court for the Western District of Virginia (“Western District”). (ECF No. 2); *see Taylor v. Kamal*, No. 7:22cv283 (W.D. Va. filed June 3, 2022). Plaintiff also filed a Motion for Summary Judgment intended for his case in the Western District. (ECF No. 3.) By Memorandum Order entered on January 3, 2023, the Court explained as follows:

This Court may not provide an extension of time to file a motion in a different court and may not grant summary judgment in that action. Accordingly, Plaintiff’s motions (ECF Nos. 2, 3) are DENIED WITHOUT PREJUDICE to pursue in his case in the Western District.

Plaintiff also filed a copy of an Amended Complaint that appears to be intended for his case in the Western District. Plaintiff may not litigate the same action in two different courts. Because it appears that Plaintiff is continuing to litigate his action in the Western District, he may not proceed with this action at the same time. Accordingly, if Plaintiff wishes to file a complaint in the Eastern District of Virginia, he must certify under penalty of perjury that he is no longer litigating the action in the Western District. If Plaintiff instead prefers to litigate the action in the Western District, Plaintiff should notify this Court of that choice and the action in the Eastern District of Virginia will be closed. Plaintiff must file his certification or notify the Court that he wishes to dismiss this action, within forty-five (45) days of the date of entry hereof. If Plaintiff fails to take any action within that time, the


Court will dismiss the action without prejudice. *See* Fed. R. Civ. P. 41(b).

(ECF No. 4, at 1–2.)

More than forty-five (45) days have elapsed since the entry of the January 3, 2023 Memorandum Order, and Plaintiff has not contacted the Court. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/   
David J. Novak  
United States District Judge

Richmond, Virginia  
Dated: February 27, 2023